

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

AGNES HOLBROOK, #1027910,

Plaintiff,

V.

**UNKNOWN PERSONS AT THE,
DESIGNATION AND SENTENCE
COMPUTATION CENTER FOR THE
FEDERAL BUREAU OF PRISONS,**

Defendant.

[illegible]

Civil Action No. **3:12-CV-03367-L-BK**

ORDER

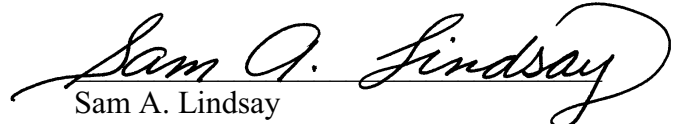
This case was referred for screening to Magistrate Judge Renee Harris Toliver, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on March 14, 2013, recommending that Plaintiff Agnes Holbrook’s (“Plaintiff”) section 1983 action be dismissed with prejudice as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). Plaintiff, who is proceeding *pro se*, did not file objections to the Report. After reviewing the pleadings, file, and record in this case, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and **dismisses with prejudice** this action.

Dismissal of this case will count as a “strike” or “prior occasion” within the meaning of 28 U.S.C. § 1915(g).^{*} The court **certifies** that any appeal of this action would not be taken in good

*Section 1915(g), commonly known as the “three-strikes” provision, provides: “[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section, if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

faith. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the court incorporates by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the Report, the court concludes that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

It is so ordered this 8th day of April, 2013.


Sam A. Lindsay
United States District Judge